



HOUSE BILL 343: Courts/Procedure and Fee Amendments.-AB

2013-2014 General Assembly

Committee: Senate Judiciary I
Introduced by: Rep. Turner
Analysis of: PCS to Second Edition
H343-CSSA-48

Date: May 30, 2013
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SUMMARY: *The proposed committee substitute for House Bill 343 would eliminate arbitration caps in district court, make clarifications to court fees, amend the motion fee exemption, require counties and municipalities to advance fees, and provide priority for the payment of criminal costs and fees.*

[As introduced, this bill was identical to S385, as introduced by Sen. Randleman, which is currently in Senate Ref to Judiciary I. If fav, re-ref to Finance.]

BILL ANALYSIS:

Section 1 would amend the statute governing non-binding arbitration in civil actions in district court to allow arbitration on a claim of any amount. Currently, arbitration is only available for claims of \$15,000 or less.

Section 2 would amend the statute governing general court costs in civil actions to clarify that the \$1,000 for cases designated as complex business cases is to be paid by the party filing the notice of designation or motion for designation as a complex business case, or in the case of referral by the court on its own motion, by the plaintiff.

Section 3 would add third-party complaints to the statute currently requiring fees for counterclaims and cross-claims, and also makes the changes made to the fee in complex business cases in Section 2 by reference to that statute.

Section 4 modifies the General Court of Justice fee of \$20 in civil actions, special proceedings and administration of estates to clarify that it is paid only on the filing of a notice of hearing on the motion and exempts motions to exempt property from a judgment from paying the fee. This section also exempts motions filed by a child support enforcement agency from the same fee in civil actions and the \$15 fee for alias and pluries summons and endorsements on an original summons. The exemption of the child support enforcement agencies from fees is a codification of uncodified law enacted in 2011, and **subsection (e) of Section 4** repeals that uncodified language.

Section 5 requires counties and municipalities to pay all costs and fees when making a filing with the court. The clerk of superior court may allow 45 days for the costs and fees to be paid. If any costs or fees owed by the county or municipality are not paid within 90 days of the filing of the action, the clerk of superior court shall withhold all facilities fees due to the county or municipality.

Section 6 provides that changes to the disbursement priority of amounts collected in criminal matters that were enacted in 2012 apply to all amounts assessed or collected on or after the date this act becomes law, so that all amounts will be disbursed by the same priority order going forward.

EFFECTIVE DATE: Section 2 of this act becomes effective January 1, 2014, and applies to all pleadings and motions filed on or after that date. Section 4 of this act becomes effective July 1, 2013, and applies to pleadings filed on or after that date. The remainder of this act is effective when it becomes law and applies to actions filed and to amounts assessed or collected on or after that date.

